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| 23329 7590 01/08/2008 KEAN, MILLER, HAWTHORNE, D'ARMOND, MCCOWAN & JARMAN, L.L.P. ONE AMERICAN PLACE, 22ND FLOOR P.O. BOX 3513 BATON ROUGE, LA 70821 | | | | |
| EXAMINER HUERTA, ALEXANDER Q | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,857

Applicant(s)

WANG ET AL.

Examiner

ALEXANDER Q. HUERTA

Art Unit

4115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 4, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on December 4, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 6, 7, 8 are objected to because of the following informalities: Claims 6-8 are dependent claims which describe an apparatus, but depend on claim 1 which describes a method. Examiner suggests replacing "The apparatus as defined in claim 1" with "The apparatus as defined in claim 5" in claims 6-8. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 6 are rejected under 35 U.S.C. 102(e) as being anticipate by Li et al. (United States Patent Application Publication 2003/0097661), herein referenced as Li.

Regarding **claim 1**, Li discloses a time-shifted television over IP network system. In addition, Li discloses that a web server 218 may provide web page and user interfaces for the user, accessible through their set top box (STB) units. Using this interface, the users may access a plurality of services provided through the system.

Furthermore, Li discloses that a plurality of switches are used with a plurality of streaming media servers 38 and storage units 34. The streaming engine 38 manages the user requests by retrieving from the storage unit 34 or from the content creation unit 36 the requested data files, encoding them based on the appropriate protocol, and transmitting them to the user thru the broadband communication channels. A media database management server 40 may manage the storage unit operations, which therefore reads on claimed "initializing a web server and a media server", as disclosed in paragraphs [0034] and [0028] and further exhibited figures 1 and 2.

Regarding providing a client player to the end user, Li discloses that the STB unit 920 is broadband ready and capable of communicating via a broadband connection 930 (13 as shown in FIG. 1) to the data creation and transmission system 12. In one embodiment, user communicates with the STB 920 by a wireless input unit such as a television remote controller 940 or a wireless keyboard 950. The STB unit 920 in turn transmits the user program or file selections to the data creation and transmission system 12. Upon initialization, the STB 920 may display through the television 910 (FIG. 9) the initial GUI sitting allowing the user to make a selection of the programs and services he desires, which reads on claimed "providing a client player to the end user", as disclosed in paragraphs [0067], [0068], [0069] and further exhibited in figure 9.

Regarding opening the streaming session, Li discloses a media content creator subsystem for converting multiple format incoming video signal streams corresponding to multiple program files into IP based packets ready for transmission over a broadband network, the media content creator converting the incoming video signals into digital

data and compressing the digital data based on multiple encoding standards into IP based packets, which reads on claimed "opening the streaming session", as disclosed in paragraph [0012].

Regarding streaming the coded video content bit stream between the media server and client player, Li discloses a media streaming subsystem for storing the IP based packets, wherein the media streaming engine is capable of providing multiple streams of IP based packets for transmission based on user request, and wherein each stream of IP based packets represents the converted and encoded content of one user requested program, which reads on claimed "the coded video content bit stream between the media server and client player", as disclosed in paragraph [0012].

Regarding enabling the enhanced feature set to the end user for manipulation through the client player, Li discloses that upon initialization, the STB 920 may display through the television 910 (FIG. 9) the initial GUI sitting allowing the user to make a selection of the programs and services he desires. The GUI interface 1100 allows the user to select the programs and function he desires by navigating through an intuitively straight forward program display interface such as the one shown in FIG. 11. In this example, the user may select a desired channel from a list of available channels 1110 in a first step. The GUI opens multiple new windows 1120 and 1130, displaying the available program selections broadcast over that channel during a given time period, which reads on claimed "enabling the enhanced feature set to the end user for manipulation through the client player", as disclosed in paragraphs [0069], [0075] and further exhibited in figure 11.

Regarding terminating the streaming session, Li discloses that in step 1060 the user may terminate the display of the particular program by selecting the stop function or home icon on the title bar of the GUI interface. The selection of the stop/home button would allow the user to return to previous GUI interfaces where he may enter a new category, sub-categories and program selection, which reads on claimed "terminating the streaming session", as disclosed in paragraph [0073].

Regarding **claim 2**, Li discloses everything as claimed above (see claim 1). In addition, Li discloses that the media content creator 500 (shown as 35 in FIG. 1) is a subsystem whose functionality includes: (1) taking multiple video inputs either in digital format or analog format, and compressing them in MPEG1/2 or MPEG4 form, and H263; (2) providing state-of-the-art high density, high availability, and hot swap capabilities to deliver scalable video streams, which reads on claimed "wherein the video content has been encoded for compression using prior art H263 standards", as disclosed in paragraph [0050].

Regarding **claim 5**, Li discloses that a web server 218 may provide web page and user interfaces for the user, accessible through their set top box (STB) units. Using this interface, the users may access a plurality of services provided through the system. Furthermore, Li discloses that a plurality of switches are used with a plurality of streaming media servers 38 and storage units 34. The streaming engine 38 manages the user requests by retrieving from the storage unit 34 or from the content creation unit 36 the requested data files, encoding them based on the appropriate protocol, and transmitting them to the user thru the broadband communication channels. A media

database management server 40 may manage the storage unit operations, which therefore reads on claimed “a web server and a media server”, as disclosed in paragraphs [0034] and [0028] and further exhibited figures 1 and 2.

Regarding a client player offering an enhanced feature set to the end user, Li discloses that upon initialization, the STB 920 may display through the television 910 (FIG. 9) the initial GUI sitting allowing the user to make a selection of the programs and services he desires. The GUI interface 1100 allows the user to select the programs and function he desires by navigating through an intuitively straight forward program display interface such as the one shown in FIG. 11. In this example, the user may select a desired channel from a list of available channels 1110 in a first step. The GUI opens multiple new windows 1120 and 1130, displaying the available program selections broadcast over that channel during a given time period, which reads on claimed “a client player offering an enhanced feature set to the end user”, as disclosed in paragraphs [0069], [0075] and further exhibited in figure 11.

Regarding a means of initiating and maintaining and terminating a streaming session between the media server and client player, Li discloses a media content creator subsystem for converting multiple format incoming video signal streams corresponding to multiple program files into IP based packets ready for transmission over a broadband network, the media content creator converting the incoming video signals into digital data and compressing the digital data based on multiple encoding standards into IP based packets. In addition, Li discloses a media streaming subsystem for storing the IP based packets, wherein the media streaming engine is capable of

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providing multiple streams of IP based packets for transmission based on user request, and wherein each stream of IP based packets represents the converted and encoded content of one user requested program. Li further discloses that in step 1060 the user may terminate the display of the particular program by selecting the stop function or home icon on the title bar of the GUI interface. The selection of the stop/home button would allow the user to return to previous GUI interfaces where he may enter a new category, sub-categories and program selection, which reads on claimed "a means of initiating and maintaining and terminating a streaming session between the media server and client player", as disclosed in paragraphs [0012] and [0073].

Regarding **claim 6**, Li discloses everything as claimed above (see claim 5). In addition, claim 6 is interpreted and thus rejected for reasons set forth above in the rejection of claim 2. Claim 2 describes a method of providing enhanced features for stream video content over a network and claim 6 describes an apparatus for implementing the method. Thus claim 6 is rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Shaw (United States Patent Application publication 2002/0124098), herein referenced as Shaw.

Regarding **claim 3**, Li discloses everything as claimed above (see claim 1), however Li fails to disclose "wherein the audio content has been encoded for compression using prior art MP3 standards", however the examiner maintains that it was well known in the art to provide audio content has been encoded for compression using prior art MP3 standards, as taught by Shaw.

In a similar field of endeavor, Shaw discloses a streaming media subscription mechanism for a content delivery network. In addition, Shaw discloses that the source for streaming media can be just about any form of media, including VHS or Beta format tapes, audio cassettes, DAT, MPEG video, MP3 audio, AVI, and the like. Prior to streaming, the content must first be encoded, a process which accomplishes four things: conversion of the content from analog to digital form, if necessary; creation of a file in the format recognized by the streaming media server and player; compression of the file to maximize the richness of the content that can be delivered in real-time given limited bandwidth, which reads on claimed "wherein the audio content has been encoded for compression using prior art MP3 standards", as disclosed in paragraph [0006].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Li by specifically providing wherein the audio content has been encoded for compression using prior art MP3 standards, as taught by

Shaw, for the purpose of maximizing the audio quality within given bandwidth constraints.

Regarding **claim 7**, Li discloses everything as claimed above (see claim 5). In addition, claim 7 is interpreted and thus rejected for reasons set forth above in the rejection of claim 3. Claim 3 describes a method of providing enhanced features for stream video content over a network and claim 7 describes an apparatus for implementing the method. Thus claim 7 is rejected.

Claims 4, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of White et al. (United States Patent Application Publication 2003/0189587), herein referenced as White.

Regarding **claim 4**, Li in view of Shaw discloses everything as claimed above (see claim 3). However, Li fails to disclose "wherein the video content has been pre-encoded deriving semantic content from the video to construct a searchable index of content features", however the examiner maintains that it was well known in the art to provide wherein the video content has been pre-encoded deriving semantic content from the video to construct a searchable index of content features, as taught by White.

In a similar field of endeavor, White discloses an interactive video programming method. In addition, White discloses that on the VIDEO channel, the user is presented an introductory UI screen 64 of the sort shown in FIG. 4. This screen includes four components: a topical listing of movie categories 66; a feature 68 permitting the user to search a database of available videos by title, actor, director, keywords, etc; a

promotion 70 of one of more featured video titles; and other advertising 72, which reads on claimed "wherein the video content has been pre-encoded deriving semantic content from the video to construct a searchable index of content features", as disclosed in paragraph [0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Li by specifically providing wherein the video content has been pre-encoded deriving semantic content from the video to construct a searchable index of content features, as taught by White, for the purpose of providing the user with more search criteria allowing them to find more desirable moves and shows.

Regarding **claim 8**, Li discloses everything as claimed above (see claim 5). In addition, claim 8 is interpreted and thus rejected for reasons set forth above in the rejection of claim 4. Claim 4 describes a method of providing enhanced features for stream video content over a network and claim 8 describes an apparatus for implementing the method. Thus claim 8 is rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER Q. HUERTA whose telephone number is (571)270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta
Examiner
Art Unit 4115

January 4, 2008
/Jefferey F Harold/
Supervisory Patent Examiner, Art Unit 4115